

**PROCEEDINGS OF THE BROWN COUNTY
CRIMINAL JUSTICE COORDINATING BOARD**

Pursuant to Section 19.84 Wisconsin Statutes, a regular meeting of the Brown County Criminal Justice Coordinating Board was held on December 17, 2014 in the Truttman Room of the Brown County District Attorney's Office, 300 East Walnut Street, Green Bay, Wisconsin.

Present: Jeremy Kral, Tim Mc Nulty, Sheriff Gossage, Michelle Conard, Lori Richgels (for Jed Neuman), Judge Walsh, Shannon Viel, Lt. Phil Steffens, Angela Sparks, Judge Zuidmulder, Troy Streckenbach, David Lasee, Tom Molitor, Becky Ney (Mapping Consultant)

Citizen Reps: Tim Mc Nulty

1. Call Meeting to Order.

The meeting was called to order by Chair Judge Walsh at 8:05 a.m.

2. Approve/Modify Agenda.

Motion made by Michelle Conard, seconded by Dave Lasee to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

3. Approve/modify minutes of September 17, 2014.

Motion made by Tim Mc Nulty, seconded by Michelle Conard to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

4. TAD Grant (David Lasee).

David Lasee presented. Angela Sparks was introduced as the TAD Grant coordinator. She started in the position on December 3, 2014. Lasee described Sparks as a go getter with great ideas. Together they have been working on short and long term goals for the project. Sparks had recently submitted an amended budget to allow for the purchase of equipment which will allow them to conduct drug testing in house. Lasee figures that they can get going pretty quick during the first part of the year. System mapping was done yesterday to assist in moving forward with the grant.

Jeremy Kral suggested that everyone introduce themselves so Angela can know everyone.

Becky Ney presented. Asked the committee how they came to find her. Was told that Molly Hillman made mention of her when they were putting the TAD grand proposal together for the first time. Hillman had spoken with representatives of Eau Clair County who were familiar with Ney's work.

Becky is one of three principals at the Center for Effective Public Policy (CEPP). CEPP is a small non-profit that normally employs 10-15 people. I been around since 1981 and their work has been largely focused on corrections and corrections reform. Over the last few years she has been working in Wisconsin along with partner, Mimi Carter, and the National Institute of Corrections (NIC) in supporting the Evidence Based Decision Making Initiative (EBDM). Milwaukee and Eau Claire Counties have participated in the initiative and this brings Ney regularly to Western Wisconsin. Wisconsin has applied to participate in next phase of EBDM which would expand the initiative to state level institutions and six additional counties. The NIC is reviewing applications from four states to participate in next stage. Survey went out and those counties interested applied, process at a state level that included a planning team made up of state and local representatives. The planning team reviewed letters of interest and got the number down to six. May be hearing some more about that.

Ney does a lot of training and technical assistance. Tries to work with jurisdictions on developing picture of what the system looks like. Most don't know what their entire system looks like; they may know their part of the system and may be a few others, but not whole system. Wisconsin has tradition of CJCCs, which most states do not have. In other states, DA's don't talk to the public defenders, and judges do their own thing. Ney doesn't think it's true of Wisconsin counties who have fairly good working relationships and talk about these things more often.

Ney showed what she calls a skeleton map. Yesterday, there were many more discussions and narrative based around key decision points. Ney wants to walk through it and make sure it's accurate. What does an offenders flow look like? Discussion needed about how an offender comes in contact with the system and how they then move through the system. Couple of ideas came up as to how to integrate TAD into treatment courts and pre-trial diversion. Ney will take this back, type it up in a legible manner, attach some narrative, and then she'll make some suggestions or recommendations based on the conversation and what she knows has been working in this state and others. Ney can be a resource to the committee.

Map should be a planning tool to be used in a number of ways. Says that the committee could put numbers in each of the boxes (ie, how many arrests per year? what do 911 calls look like? etc). The way that most people hear about crime is through citizen's complaints. In some counties 60% of all crime is identified by citizen complaints as opposed to police arrest. The mapping can sometimes reveal to you the things you think you know that you actually don't.

Sometimes Ney works with groups interested in improving information systems. Look at each decision point, and say what information is being collected by whom. What it often reveals is that everyone is collecting the same information, but no one is sharing it. It also shows that the information that people really want isn't being collected at all.

Ney discussed a big picture of system. She encouraged the committee to come back to add, update and revise and use it as a planning tool so it is not a one-time project.

System Map (Skeleton Version):

1. Arrest, 911 calls and dispatch, crime prevention, crisis intervention team reviewed what was talked about yesterday
2. Law Enforcement receives complaint and responds (not DA, which is unusual compared to other states). Therefore an officer can make a number of decisions on the street. Officers have computers, so they have quicker access to information.
3. Citations: It's important to know what police department is doing what with regards to violations. Sometimes it's handled by municipal courts. Lots of action, but a great area for review.
4. Cases Forwarded to DA: Determination of charges, probable cause, different results.

Judge Zuidmulder commented that municipal court handles no crimes all civil ordinance violations.

Ney continued that people can be arrested and not taken to jail. A person is not in jail, but summoned to appear at initial appearance.

5. Jail: In a lot of detail a ton of action a happening at the jail and want more to happen at the jail. The Team looked at the jail and found that there are initial intake that happens when someone comes in, federal holds, cases referred from DA, warrants, writs, people ordered to walk in and probation and parole holds. Off hours when probation people are not around. There is an intake process that is pretty quick and bail schedule for lower level expenses. An offender is encouraged to make calls to

get out or post bail themselves. Booking process further down the line that includes more extensive interviewing. Law enforcement can have book and release although it is not that frequently used in Brown County. This is a key place where committee has talked about doing screening for eligibility and place to determine eligibility for treatment courts.

The tool being discussed is RANT. Ney volunteered to do research on RANT which is a public domain tool and pretty available. RANT could serve as initial screen to determine in combination with offense whether eligible for pretrial release. Ney's recommendation for pretrial diversion is when looking at low risk; low needs misdemeanor to look at offenders actions as non-citable offenses.

Ney suggested that someone needs to get a list of eligible people for pretrial diversion which has to get to the DA Lasee.

Ney said a lot of stuff that needs to be ironed out like can the jail even generate such a list. Phil says they are already doing it for two of the courts. Ney asked if they were generating for the treatment courts, and suggested that with a little more info they could expand the list.

Discussion regarding expanding the drug court would be expanding eligibility criteria discussion how to identify mental health people and heroin users who work. There needs to be some work on the eligibility criteria that needs to be done. Ney recommended that much of this burden of intake, follow-up, and follow-through can fall on the TAD pre-trial diversion position. Have a little more time to do additional assessments.

Ney commented that she has a lot more to say on the jail, but won't and instead will capture the information and data in the final mapping and report.

Initial appearance bail is set could be a signature bond. Ney asked about what the court commissioners' position is on cash versus signature bond. Committee replied that they have no idea. Practice varies widely across the state. While it does release pressure to release some individuals on a signature bond with community supervision, some judges starting releasing pre-trial on signature bonds with some sort of probation supervision, and Ney's group had to step in and correct that behavior. An offender should not be able to skip trial and get the luxury of probation without going through the process.

Ney said she was told by DA Lasee that he would like to make offers at initial appearance for Operating After Revocation (OAR) cases, when the defendant waives right to attorney, and will accept the deal. Assuming that defense attorney and public defenders would be okay with that it can take someone upstairs and downstairs to resolve the cases. Ney felt that this seems like an area a lot of cases that would fit into and reduce workloads and be a benefit.

At the initial appearance Ney talked about difference between out of custody and in custody. Ney asked if there was any further discussion on last issue.

Lasee commented that not all counties prosecute OAR, many have made them civil forfeitures, and that's another option Brown County is able to explore. Goal is to be less taxing on the judges' calendars.

Ney said that the current system ends up destabilizing people and ends up making things worse. Ney asked how many OAR cases come in annually. Zuidmulder said there are approximately 1000 cases. Ney said that that's a good number.

Break out into different tracks. Ney asked if both felony and misdemeanors have initial appearances. Lasee answered that both have initial appearances.

Ney discussed the conference process for both felony and misdemeanor offenders, pointing out that anywhere along the line an offender can have a hearing and take plea and do a sentencing. It's a problem that jury trials are set with a date and cases get resolved the day before or out in the hallway. Ney doesn't have any great ideas to solve this issue since it's just the way the system does its business. It is what it is.

Going back to the treatment courts, there list of eligible people to TAD coordinator or a list appears later that offers treatment court.

Zuidmulder commented that usually at the pre-trial conference, a lawyer will say that the offender is applying to the treatment court and requests that they be taken off the jury trial calendar. They say they will come back and tell where they are in all that. It's usually at the pre-trial conference that this all occurs.

Lasee added that it could be even earlier than the pre-trial conference. It is usually during the preliminary hearing phase when conversations usually begin regarding treatment courts, since it's the point where prosecution and defense start negotiating an offer. Prosecution will usually advance an offer prior to the preliminary hearing.

Ney asked if there was a way to speed the process up so an offender's eligibility can be determined before pre-trial and before getting to the judge. Lasee said that the preliminary hearing is usually within 10 days, so it is unlikely that it would be then. He added that if the screening process could occur sooner that would be preferable because they want to be before the judge with the knowledge of eligibility.

Zuidmilder said that the biggest problem is the willingness of the participants to identify the person early because they know and the treatment courts do not know and if these people are not in system, then the judges do not know.

Ney agreed that it is oftentimes difficult, but Brown County now has a full-time person in the TAD position that can identify and create these lists and help with the process.

Lasee feels that the process could be streamlined.

Zuidmulder believes that right now the court system has a bad reputation in applicant bar because if it always took too long, so why bother.

Ney told Sparks that she needs to be a proactive advocate. She will have to help walk the DA's office through the application process, get them into court, and put a bug in the judge's ear. The goal is for this to happen faster.

Ney continued saying that even if we apply; we may or may not get in. There is then a discussion with treatment court team who makes the decision. Ney asked if that can happen before pretrial. Lasse stated it could happen before.

Ney said that it will be really important for Sparks to know when those court dates are, so she can be working ahead of time. She can have a drug court team member at initial appearance to go over anything that has been missed with defense attorneys and get cases resolved at that point if eligible for drug court.

Could make contact with them at that point. The courts will have to work out with coordinators and their time and their opportunities to do that.

Shannon asked if we are talking about initiating initial screenings or assessments prior to the application. Lasee said that if the jail is doing RANT screenings that is the starting point and that will be passed on to Angela the same day an offender is arrested.

Viel commented that the application process is a long process

Sparks suggested reducing the seven pages to one page.

Ney asked about assessments. There will be no mental health assessment or no drug and alcohol assessments. Entry into the program will be based on the initial assessment.

Zuidmulder asked if prior record and prior information would be included. Ney said that it would.

Lasee commented that drug and heroin court may have additional drug assessments.

Molitor said that as part of heroin initiative the jail does a CAGE assessment. They ask whether or not the drug the offender is mixed up in is with an opiate. They don't see any of that. The CAGE assessment is four questions. Ney said they should be part of the list that is generated.

Ney asked what would trigger eligibility for opiate addiction. Zuidmulder suggested coordinating information and get it to the TAD coordinator. Ney agreed and said that it would assist in making the offer about other treatment courts as well.

Lasee agreed and said this can be an identifying tool like other assessments.

Ney asked if assessments should be done sooner rather than later. She said the Brown County is already set up. It's a done deal when an offender goes up into court because the teams have had chance to talk about it. Ney said she is worried about treatment providers. They have to be careful about not over-assessing people. Nobody is believed in anyone else's assessment. Ney is curious if the committee has had those conversations and what the county's plan is moving forward.

Zuidmulder responded saying that what is needed is to identify the population these courts are aimed at. His personal position is that an offender has to be high risk offenders. The county can't tell the public that everyone that smokes pot and takes a pill is eligible. He believes that this is not what these courts were designed to do. Wants to make point that everyone says that these courts are most effective with high risk people. The courts need to be selective; otherwise they are wasting resources because some offenders will do just as well on probation. Ney is in total agreement.

Ney asked what could be like to use TAD funding to have a trained COMPAS person. COMPAS is used to identify high risk offenders. Ney recommends COMPAS because it's what the state is invested in.

Lasee said he has heard feedback on COMPAS that is not great and that people aren't sold on it yet. In his opinion there is not enough population specific data on the COMPAS. He admitted though that COMPAS is what Wisconsin is using and that it does make sense to use the same assessment at the front and the back.

Zuidmulder commented that in this jurisdiction. The committee needs to understand that County Board has understood that the treatment courts are for people who have failed the traditional system (probation, jail, and prison). These are high risk people. If change definition to say "yes, take that population, plus also those people who are high risk because of an instrument", we need to make clear to the County Board so they don't feel misled because they are funding this on the assumption that traditional criminal justice tools have failed. The community is buying into it because they have been convinced that we shouldn't waste dollars sending people through a system that is failed. If we change the definition, he will be the one to articulate that to the County Board so we don't get bitten later on.

Lasee commented to Zuidmulder that the judicial system is expanding the definition in part based on the reception of the TAD grant funds. Lasee said that this should be expanded to the heroin court. The heroin people often don't fit mold.

Zuidmulder said the committee should request the County Executive talk to the County Board Chair and ask the County Board Chair if we can get some time in January or February to present to the County Board so when they hear of things happening, if this is the distinction we will draw, that there will be no problem. The judicial branch does not want the County Board to take out frustrations on Zuidmulder or David Lasee with regard to the difference in populations.

Viel agreed and said that he thinks there needs to be a distinction between expanding to another subgroup and increasing the circle. People are going to fit into heroin group but could also fit into the traditional drug group. Be clear to expand, that's where hypocrisy comes in and that's where the defendants give up. Offenders will be unhappy that they are not in treatment court because they are not enough of a criminal. Word will spread throughout the jail, so if it happens to one, others will jump on it.

Ney moved on stating that probation is using COMPAS. Assessment, are short assessments like a triage screening tool to help identify eligibility.

Sparks commented that things need to be referred out to treatment provider for further assessment. Ney said that COMPAS is going to get done sooner or later regardless, everyone is going to get a COMPAS assessment somewhere along the line. That is the commitment the state made.

Mc Nulty asked if the COMPAS assessment can be moved up earlier in the process. Several committee members said that that is too much pressure on the jail as the COMPAS is a longer process. Ney would not recommend putting that on the jail folks. However, she did recommend that the county could hire a person to do assessments in the jail. Some additional assessment needs to happen to speed up and streamline. Ney stated that she is just putting things on the table to think about and talk about.

The committee moved on to the next topic.

Ney discussed a prior long conversation about PSI which typically takes 45 – 60 days. Probation Department made clear that they could use more time on some cases. Judges tend to ask for PSI on most cases. Ney said that this is a good thing, but also has downside of holding up the system in some ways. May want to relook at this... Ney knows there are some DOC issues and some legal issues but maybe the committee should have some conversations on what information the judges really want.

Talked about issues of failure to appear. If no show, the judges do differing things; may hold open or issue a warrant. Give them time to show before warrant issued... there was a lot of stuff about people not showing up and what needs to be done.

Ney said that a lot of jurisdictions have invested in automated court notification systems and asked if Brown County had had those conversations. The committee didn't respond.

Ney described it like when a person gets a call from doctor for appointments. Likewise, there are automated court reminder systems. Challenge is what's the right phone number, text message, e mail, twitter, etc... so many ways to notify. Research on court notification programs is very good, and it shows that when notified, more people show up to court. Ney did not know of any jurisdictions in Wisconsin that have notification programs. Costs can vary greatly.

Ney talked about sentencing. There were conversations about use of jail as probation sentence. Ney encourages the committee to have some conversations on the use of jail as probation because it is a big impact on resources. Punishment is important value, but it is not recidivism reducing measure. Ney suggests that the committee have a conversation on the purpose of it and ask how much time appropriate. Are the courts really asking people out of custody for a good amount of time and been doing or to go into jail as part of a probation sentence? Data shows that people who spend time in jail pre-trial end up with incarceration sentences. Ney recommends exploring this and having more conversations as it is a huge resource spending on some.

Probation and Conditions. Identify that sentencing include treatment court as condition of probation.

Probation has an intake window. They do some initial interview, similar to what is done in jail. Take one to three weeks to assign person to office and agent, so people don't typically report two to three weeks. First report is typically when a COMPAS assessment is conducted if not already done.

Ney's big recommendation to the committee and all departments represented is to get better at collecting numbers to measure performance and get success.

Ney asked for any questions, comments, and concerns...

Lasee said that suggestions for areas where resources are being wasted or things are inefficient would be helpful.

Zuidmulder asked for issues that related to specific stakeholders. That would be helpful to those trying to provide leadership.

Ney said that offenders good at manipulating the system and some fall through the cracks so it's better off with agreements across agencies. It's very difficult when everyone operates different and it makes it very difficult.

Ney advises committee to talk to other counties using COMPAS to get pros and cons. Ney will give advice about women and suggest got to NIC or SAMSA to get training.

Lasee asked for information on pretrial programming would be helpful. He specifically wants on how release planning different than diversion with evidence based decision making. Options for having conditions that make feel safer when releasing people they are not. Cash bail.

Zuidmulder believes Brown County is locked in the culture.

Ney said there is a tool on the horizon being tested from the Arnold Foundation. Goal is for every judge has to have a pre-trial release tool in hand in next five years.

Zuidmulder wanted to recognize Jeremy Kral who is leaving. He said he has done a tremendous job for County and wanted to thank him personally for help in treatment courts. Zuidmulder said he would be scolding him by saying that before he goes he has to build fire under Jeremy to get the case worker hired. They need staff to get hired and really have to get it done in next 60 – 90 days. The courts are being held up. Things can't move forward.

Kral thanked Zuidmulder for the kind words and said that there is a resolution coming forward at next county Human Services Committee meeting. Mid-February approval to hire.

5. **Treatment Courts Including Heroin Court (Judge Zuidmulder).**

6. **Adjourn.**

Motion made by Judge Zuidmulder, seconded by DA David Lasee to adjourn at 9:16am. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Therese Giannunzio
Recording Secretary

Brian B. Lueth
Transcriptionist